

AMEDEO DISCEPOLO

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

COPY

CARMELO MILLAN, Individually:
and on Behalf of All Other :
Persons Similarly Situated, :
Plaintiff, :
:
vs. :
:
:
CITIGROUP, INC., and :
CITIGROUP TECHNOLOGY, INC., :
Defendants. : No. 07-CIV-3769

Wednesday, February 20, 2008

Oral deposition of

AMEDEO DISCEPOLO, taken at the Locks Law Firm,
110 East 55th Street, New York, New York,
commencing at 11:05 a.m., before Jennifer S.
Walker, a Federally Approved Registered
Professional Reporter and Notary Public.

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2 I N D E X

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4 Testimony of: AMEDEO DISCEPOLO

5 By Ms. Walsh5

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7 EXHIBITS

8 (All exhibits retained by Plaintiff's counsel)

9 - - -

10	EXHIBIT NUMBER	DESCRIPTION	PAGE MARKED
11	Discepolo-1	"Network" CTI00001247	25
12	Discepolo-2	"Network" CTI00001248	30
13	Discepolo-3	Untitled document CTI00001251-1255	96
14	Discepolo-4	9/6/06 Discepolo Interoffice memo CTI0000363-364	135
15	Discepolo-5	1/29/07 Discepolo Interoffice memo CTI0000365-366	142
16	Discepolo-6	"CTI - Global Engineering Lab Process Control Manual" CTI00001167-177	148
17	Discepolo-7	"CATE Engineering Lab Process Control Manual" CTI00001238-246	153
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2 EXHIBITS (Continued)

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4 EXHIBIT NUMBER DESCRIPTION PAGE MARKED

5 Discepolo-8 "Technology 157

6 Infrastructure 2005
7 Year-End Performance
8 Review"

9 CTI0000341-345

10 Discepolo-9 Untitled document 162

11 CTI0000352-355

12 Discepolo-10 "07011000 - Global 167

13 Engineering Lab
14 Manager"

15 CTI00001357-359

16 Discepolo-11 "Administration" 174

17 CTI00001360-362

18 Discepolo-12 Untitled document 178

19 CTI00001369

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AMEDEO DISCEPOLO

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1 MS. BOUCHARD: We're going to
2 waive read and sign.

3 - - -

4 AMEDEO DISCEPOLO, after having
5 been first duly sworn, was examined
6 and testified as follows:

7 - - -

8 EXAMINATION

9 - - -

10 BY MS. WALSH:

11 Q. Good morning, Mr. Discepolo.
12 My name is Janet Walsh. I'm the attorney
13 representing the plaintiff in this action. I
14 want to go over a couple ground rules with
15 you.

16 Firstly, have you ever given
17 testimony at a deposition before?

18 A. Many years ago in a car
19 accident.

20 Q. Were you the plaintiff or
21 defendant in that action?

22 A. Defendant.

23 Q. And that was the only time?

24 A. Only time.

1 Q. Have you ever testified in
2 court?

3 A. Yes.

4 Q. When was that?

5 A. I take that back. I never
6 testified in court. I was on a grand jury and
7 jury duty.

8 Q. Now, as you know, there's a
9 court reporter here who's taking down
10 everything. You've been through it, but you
11 said many years ago. I'm going to just review
12 the rules with you.

13 She's going to be taking down
14 everything we both say. So from that
15 perspective, if you'll allow me to finish my
16 question before giving your response, I'll
17 give you the same courtesy and allow you to
18 finish your response.

19 She's not going to be able to
20 take down what we're saying if we're
21 overlapping. It's a natural tendency to do
22 that. If we find we're slipping into it, I'll
23 remind you. And you can tell me the same.

24 A. Okay.

1 Q. I would appreciate it if you
2 could give verbal responses. So, in other
3 words, a nod of the head or shake of the head
4 or "uh-huh," or whatever, she's not going to
5 be able to get it down or it won't necessarily
6 make sense. So if you could give a "Yes" or
7 "No" response, that would be appreciated.

8 A. Okay.

9 Q. If you don't hear my question,
10 if you could ask me to repeat it. If you
11 don't understand, I'll rephrase it for you.
12 If you don't indicate that you haven't heard
13 it or understood it, I'm going to assume that
14 you heard it and understood it.

15 A. Okay.

16 Q. We're not here to test your
17 memory today. I'm sure there's going to be
18 information you won't remember. I'd
19 appreciate it if you'd tell me you don't
20 recall.

21 However, there will be times
22 where I'm going to ask you to give me an
23 estimate or an approximation with respect to
24 things. And, again, I'd appreciate it if you

1 could provide that information, if you can.

2 And to the extent that you're giving it as an
3 approximation or an estimation, if you can let
4 me know that.

5 A. Okay.

6 Q. If you need a break at any
7 time, just let us know, or if you need
8 anything else, whatever. I'm going to request
9 that if a question is pending and you haven't
10 given a response, if you can wait until you
11 have given a full and complete response before
12 you request a break.

13 A. Okay.

14 Q. Are you taking any medications
15 that would impair your ability to testify
16 today?

17 A. No.

18 Q. Any other reason why you cannot
19 testify truthfully today?

20 A. No.

21 Q. For the record, could you state
22 your full name?

23 A. Amedeo Discepolo.

24 Q. And what's your present home

1 address, Mr. Discepolo?

2 A. 32-03 163rd Street, Flushing,
3 New York, 11358.

4 Q. And your present business
5 address?

6 A. Sixty-eight South Service Road,
7 Melville, New York. I don't recall the ZIP
8 code.

9 Q. And how old are you currently?

10 A. Fifty.

11 Q. Did you attend college?

12 A. Some college.

13 Q. Okay. Can you tell me where
14 you attended and the years?

15 A. LaGuardia Community College.
16 '76. 1976.

17 Q. And for just that one year?

18 A. Um-hum.

19 Q. And what did you study during
20 that year?

21 A. Business.

22 Q. Did you get any kind of a
23 diploma or a degree?

24 A. No.

1 Q. Have you attended any other
2 colleges?

3 A. No.

4 Q. Any other post high school
5 education?

6 A. No.

7 Q. Have you currently any
8 certifications?

9 A. No.

10 Q. Did you discuss this deposition
11 with anyone prior to coming here today?

12 MS. BOUCHARD: Other than your
13 attorneys.

14 THE WITNESS: Other than the
15 attorneys, no.

16 BY MS. WALSH:

17 Q. Okay. You did meet with your
18 attorneys today or this morning?

19 A. This morning, um-hum.

20 Q. For how long?

21 A. About a half-hour.

22 Q. Was anyone else present?

23 A. No.

24 Q. And any time before this

1 morning, have you met with your attorneys with
2 respect to the deposition?

3 A. Yes.

4 Q. When else was that?

5 A. Yesterday.

6 Q. For how long?

7 A. About two hours.

8 Q. Was there anyone else present?

9 A. No.

10 Q. Did you review any documents to
11 assist you in preparing for your deposition
12 today?

13 A. I've reviewed a couple of
14 documents.

15 Q. Can you tell me which documents
16 you've reviewed?

17 A. The interrogatories. I hate
18 that word, sorry.

19 MS. WALSH: Off the record.

20 - - -

21 (Discussion off the record.)

22 - - -

23 THE WITNESS: Reviewed some
24 performance reviews.

1 BY MS. WALSH:

2 Q. Any other documents?

3 A. No.

4 Q. Okay. And when you say, "the
5 interrogatories," are you referring to the
6 defendant's responses to interrogatories
7 served by the plaintiff, or do you know?

8 A. I'm not sure.

9 Q. Were they interrogatory
10 responses that Citi -- that CTI provided?

11 THE WITNESS: Those were the
12 ones. Right?

13 MS. BOUCHARD: (Nodding.)

14 THE WITNESS: Yes.

15 BY MS. WALSH:

16 Q. And with respect to the
17 performance reviews, were those performance
18 reviews of Carmelo Millan?

19 A. Yes.

20 Q. And were those performance
21 reviews that you gave him, or were there
22 others included in that?

23 A. It was the ones I gave him, as
24 well as there was one from Paul Holder when

1 Paul had management responsibility for
2 Carmelo.

3 Q. So those were all the documents
4 that you reviewed?

5 A. Yes.

6 Q. Did you provide any documents
7 to your attorneys in connection with your
8 deposition today or in connection with this
9 case?

10 A. Yes, I have.

11 Q. What documents?

12 A. Reviewed year-end reviews, some
13 e-mails related to various subjects, and I
14 believe we provided the attendance memos that
15 were sent as part of e-mails, um-hum.

16 Q. Anything else?

17 A. I think that's it.

18 Q. With regard to the e-mails, did
19 you provide to your attorneys all e-mails that
20 you could track that you had received from
21 Carmelo Millan?

22 A. I provided e-mails that were
23 dialogues between Carmelo and myself, yes.
24 The ones I could look at, the ones I had

1 saved.

2 Q. When you say, "dialogues"
3 between yourself and Mr. Millan, those would
4 be all e-mails that Mr. Millan sent to you?

5 A. And ones I responded.

6 Q. You said all those you could
7 locate?

8 A. Um-hum.

9 Q. Tell me what you did in your
10 efforts to locate those e-mails.

11 A. Went into my e-mail system,
12 went into my personal folders where I would
13 keep copies of e-mails from certain people or
14 certain topics, and I sorted out and looked
15 for anything I could find related to Carmelo
16 that included dialogue between him and myself.

17 Q. Would there be any reason for
18 e-mails he sent to you not to be there?

19 A. Yeah. It's possible I could
20 have deleted quite a few over the years.

21 Q. Did you check your "Deleted"
22 folders --

23 A. Again, there's nothing in
24 there --

1 Q. Just let me finish the
2 question.

3 A. Sorry.

4 Q. Did you check your "Deleted"
5 folders to see if you could locate any e-mails
6 from Mr. Millan to you?

7 A. Yes.

8 Q. What was the result of that?

9 A. I keep my "Deleted" folder
10 clean because of memory size.

11 Q. Did you check your "Sent Items"
12 folder to see if there were any e-mails sent
13 by you to Mr. Millan?

14 A. Yes, I did.

15 Q. And did you provide those
16 e-mails to your attorney?

17 A. There were none in my "Sent"
18 folder.

19 Q. With respect to obtaining
20 e-mails that were deleted from your system, is
21 there a way to do that?

22 A. I'm not a hundred percent sure.

23 Q. Did you make any efforts to
24 determine if there was a way to do that?

1 A. No.

2 Q. And also with respect to "Sent
3 Items," if there's nothing in your folder, is
4 there a way to determine -- is there a way to
5 retrieve e-mails that would have been sent by
6 you to Mr. Millan?

7 A. I'm not sure.

8 Q. Did you make any efforts to
9 determine if you could do that?

10 A. No.

11 Q. Did you talk to anybody at
12 Citigroup Technologies -- sorry, before we go
13 any further, I'm going to be referring to
14 Citigroup Technologies as "CTI" for the
15 purpose of the deposition.

16 Is that okay with you?

17 A. That's fine.

18 Q. If I refer to "Citigroup," I'm
19 referring to Citigroup, Inc.

20 Is that okay?

21 A. Yup.

22 Q. Did you talk to anybody at CTI
23 with respect to giving your deposition today?

24 A. Just my immediate boss.

1 Q. And who's that?

2 A. Yesim Akdeniz. Y-E-S-I-M

3 A-K-D-E-N-I-Z.

4 Q. And when did you speak to

5 Mr. -- Ms. Akdeniz?

6 A. Friday. Friday the 15th.

7 February 15th.

8 Q. And what was the purpose of
9 that conversation?

10 A. Just to let her know I would
11 not be in the office, I'll be attending the
12 deposition hearings and, you know, if she
13 needed anything, I'd have to get back to her
14 later in the day.

15 Q. Was she the only one at CTI who
16 you discussed your deposition with?

17 A. Yes.

18 Q. Do you keep a file relating to
19 this lawsuit?

20 A. Yes, I do.

21 Q. Where do you maintain that?

22 A. E-mail. It's on my e-mail
23 system.

24 Q. So when you say it's on your

1 e-mail system, do you have a little subfolder
2 with respect to the case?

3 A. Um-hum.

4 Q. And any e-mails that you
5 receive or you send with respect to the case,
6 you keep in that folder?

7 A. Yes.

8 MS. WALSH: I'm going to
9 request copies of Mr. Discepolo's file
10 relating to this lawsuit be produced
11 to us.

12 MS. BOUCHARD: I'm going to
13 object.

14 That file was -- was created
15 for the purposes of having
16 attorney-client-privilege
17 communications. And any e-mails that
18 are nonprivileged have been produced.

19 MS. WALSH: Okay. So you're
20 representing that all e-mails that are
21 nonprivileged have been produced?

22 MS. BOUCHARD: That's right.

23 MS. WALSH: Were we given a
24 privilege log with respect to the

1 other ones?

2 MS. BOUCHARD: Those were all
3 set forth after the litigation. I
4 don't think it's necessary, unless you
5 want every single communication and
6 e-mail back and forth. That's
7 customarily not done.

8 MS. WALSH: Okay. I'll think
9 about that. I won't necessarily make
10 that request, but we may make a
11 request with respect to the privilege
12 log. We can deal with it --

13 MS. BOUCHARD: Later, okay.

14 MS. WALSH: -- later.

15 BY MS. WALSH:

16 Q. Other than the e-mail folder
17 that you said you have in your e-mail, is
18 there any other file that you maintain with
19 respect to this lawsuit?

20 A. No.

21 Q. Do you know if Mr. Millan was
22 deposed in this case?

23 A. I heard he has been.

24 Q. Have you reviewed his

1 deposition testimony?

2 A. No.

3 Q. Do you know if Thomas Saranello
4 has been deposed in the case?

5 A. Yes, I heard he has.

6 Q. And have you reviewed his
7 testimony?

8 A. I've seen bits and pieces, but
9 I have not reviewed, I guess, an entire
10 deposition or what constituted an entire
11 deposition.

12 Q. But you've read some of his
13 testimony from his deposition?

14 A. Yes.

15 Q. Did you speak to Mr. Saranello
16 about his testimony?

17 A. No.

18 Q. Now, you gave me your address
19 earlier, your business address?

20 A. Um-hum.

21 Q. You're currently an employee of
22 CTI?

23 A. Yes, I am.

24 Q. And what's your current

1 position with CTI?

2 A. Senior vice president in
3 network engineering.

4 Q. And how long have you had that
5 position for?

6 A. At least five years. I don't
7 remember the exact date, but it was around
8 2002, 2003, that I was promoted to senior vice
9 president.

10 Q. And back in 2002, 2003, when
11 you first started working as senior vice
12 president in network engineering, can you tell
13 me what your duties and responsibilities were?

14 A. I've always been in network
15 engineering. The only thing that's changed is
16 my corporate titles have changed as I've been
17 promoted.

18 So back in 2002, 2003, I was
19 responsible for technology engineering related
20 to the network transport environment, as well
21 as some voice-over-IP technology.

22 Q. And have those duties and
23 responsibilities changed over the years since
24 2002, 2003?

1 A. Yes, they have.

2 Q. And how have they changed?

3 A. With a recent reorg, I've been
4 put in charge of what we call the business
5 office, and that has responsibility for
6 technical product management, as well as MIS
7 reporting for network engineering.

8 Q. Prior to 2002, 2003, what was
9 your title?

10 A. First vice president.

11 Q. Were your duties and
12 responsibilities essentially the same as first
13 vice president? It was just a title change?

14 A. Yes.

15 Q. And did you have a title or
16 position with CTI prior to being first vice
17 president?

18 A. Yes.

19 Q. And what was that?

20 A. Vice president.

21 Q. When were you made a first vice
22 president?

23 A. Approximately 1998.

24 Q. And when were you made a vice

1 president?

2 A. Say, 1991, '92.

3 Q. Did you have a position with
4 CTI prior to that?

5 A. Assistant vice president.

6 Q. When were you made assistant
7 vice president?

8 A. Approximately 1988, '89.

9 Q. And did you have a position
10 prior to that?

11 A. Yes.

12 Q. And what was your position with
13 CTI prior to that?

14 A. Senior network engineer.

15 Q. When were you made a senior
16 network engineer?

17 A. I should have just printed it
18 out. I would say around 1985, '86.

19 Q. Okay. And prior to being a
20 senior network engineer, did you have a
21 position with CTI?

22 A. Technician. Network
23 technician.

24 Q. And when were you appointed as

1 a network technician?

2 A. That's when I was hired in
3 1981.

4 Q. So you've worked continuously
5 for CTI since 1981 up to the current time?

6 A. I've worked in the company
7 since 1981. Through many mergers and
8 acquisitions, the company's name has changed
9 and, you know, forms have changed, but I've
10 been employed by literally the same employer
11 since 1981.

12 Q. Who did you actually work for
13 in 1981?

14 A. Shearson Lobros.

15 Q. And can you tell me the names
16 of the various entities that you worked for
17 since then?

18 A. Shearson Loeb Rhoades, Shearson
19 EF Hutton, Shearson Lehman Brothers, Shearson
20 Smith Barney, Salomon Brothers, Travelers and
21 then Citigroup.

22 Q. And that was all as a result a
23 of a series of mergers and acquisitions?

24 A. Correct.

1 Q. Now, as a network technician,
2 you worked in that position from 1981 to 1985?

3 A. Yes.

4 Q. Or '86?

5 A. (Nodding.)

6 Q. What did you do as a network
7 technician?

8 A. Worked in the network
9 operations control center. Main
10 responsibility was to identify, isolate and
11 repair or foster repair of network troubles.

12 Q. And just to get back to your
13 position, your current position as senior VP
14 in network engineering --

15 A. Um-hum.

16 Q. -- is there a particular
17 department within CTI that you work in?

18 A. It's networks. It's called
19 networks.

20 Q. And who is the head of that
21 department?

22 A. Yesim Akdeniz. Y-E-S-I-M
23 A-K-D-E-N-I-Z.

24 - - -

1 (Whereupon, a document was
2 marked for identification purposes
3 as Discepolo-1.)

4 - - -

5 BY MS. WALSH:

6 Q. Mr. Discepolo, I'm going to
7 give you a document that's being marked as an
8 exhibit. It's being marked as Discepolo-1.
9 It's a one-page document Bates marked
10 CTI00001247.

11 I'm going to give you that and
12 ask you to take a quick look at it.

13 A. Okay.

14 (Reviewing.)

15 Q. Can you tell me if you can
16 identify that document?

17 A. Yes. It looks like Yesim's org
18 chart, organization chart.

19 Q. And what does it identify?

20 A. It identifies Yesim as the head
21 of global engineering for networks and the
22 subdomains or the technology domains within
23 her realm of control.

24 Q. And on the second line of boxes

1 that's identified there, your name is under
2 "Business Office." Is that correct?

3 A. Correct.

4 Q. Can you explain for me what
5 "Business Office" represents?

6 A. Sure. Business office
7 represents -- there's two functions within the
8 business office that I manage; one is product
9 management, and the other is MIS control
10 compliance reporting for the network team
11 under Yesim.

12 Q. And with respect to product
13 management, can you explain in layman's terms
14 what that means?

15 A. Sure. The technology streams
16 that are shown on this chart develop and
17 standardize on certain technology products
18 that we use for Citigroup businesses.

19 The product management team is
20 there to make sure that process and procedures
21 are followed related to those procs that are
22 used so the certification process is done
23 correctly, the control and compliance and risk
24 for security standards are followed.

1 Q. Do you know when this chart was
2 created?

3 A. I'm not sure when the chart was
4 created, but the organization was formed in
5 the fourth quarter of '06.

6 Q. When you say, "the organization
7 was formed," what do you mean by that?

8 A. It was a -- there was a little
9 reorganization within Yesim's world, and she
10 set her organization up in this format.

11 Q. So this would have been created
12 sometime around or after fourth quarter '06?

13 A. Yes.

14 Q. And is this the current
15 structure that's in place?

16 A. Yes, it is. Some of the names
17 have changed, but it's still the same
18 structure.

19 Q. Okay. And with respect to your
20 position in this grid under "Business Office,"
21 did that change in the fourth quarter of '06?

22 A. That's when the business office
23 was created.

24 Q. Okay.

1 A. Um-hum.

2 Q. And prior to that, what would
3 have been your role within the network?

4 A. Prior to that, I would have
5 handled or managed the network transport, as
6 well as the product management.

7 Q. And you also referred to MIS,
8 control, compliance?

9 A. Um-hum.

10 Q. Can you explain in layman's
11 terms what that means?

12 A. MIS is purely management
13 reporting. So we produce weekly metric
14 reports showing how the network engineering
15 team is doing with product technology,
16 standardization and certifications.

17 So we would set up and create
18 the weekly, monthly and quarterly reports for
19 Yesim's review, as well as ensure that all of
20 our IS policies -- information security
21 policies -- risk policies are being adhered to
22 when the engineers certify their products.

23 And if there are any gaps in
24 those certifications, ensure that the

1 engineers are following the right process to
2 identify what the gaps are and to make
3 management aware of those gaps so that we know
4 what our risk in the environment is.

5 - - -

6 (Whereupon, a document was
7 marked for identification purposes
8 as Discepolo-2.)

9 - - -

10 BY MS. WALSH:

11 Q. I'm going to give you a second
12 exhibit that's been marked as Discepolo-2,
13 Bates stamped CTI00001248.

14 And I'm going to ask you again,
15 if you could, please, to have a look at this.

16 A. Okay.
17 (Reviewing.)

18 Okay.

19 Q. Do you recognize this document?

20 A. I recognize the functions on
21 the document, absolutely.

22 Q. Do you know when the document
23 was created?

24 A. Again, I would think it was

1 created sometime after the fourth quarter '06.

2 Q. And why is that?

3 A. That's when the reorganization
4 within the network division took place and the
5 business office was created.

6 Q. Under lab -- "Products Lab
7 Management" is the name Les Kleinman?

8 A. Um-hum.

9 Q. Do you know when he was hired
10 by CTI?

11 A. Not specifically, but
12 approximately '06, '05 -- approximately '04.
13 2004.

14 Q. And I notice that
15 Naseer Ibrahim's name -- there's a name
16 Naseer Ibrahim underneath Les Kleinman's name?

17 A. Yes.

18 Q. Who is Naseer Ibrahim?

19 A. A lab coordinator.

20 Q. How long has he held that
21 position?

22 A. Let me just think. I took
23 management responsibility in the summer of '05
24 and Naseer was on board. I believe, they

1 hired him approximately March or April of '05.

2 Q. So when you took over -- when
3 you said you took over management
4 responsibilities, what are you referring to
5 specifically?

6 A. In the summer of '05, Yesim
7 made a decision that Paul's team -- Paul, Les,
8 Carmelo and Naseer would no longer report
9 directly to Yesim, they would report up under
10 me in addition to my other duties. So just
11 another reorganization.

12 Q. So the function -- are the
13 functions that Naseer Ibrahim is doing in the
14 current category that he's listed in, are they
15 the same as what he was doing back in '05 when
16 you took over management responsibilities, or
17 have they changed?

18 A. Same.

19 Q. Who is Brett Cashen?

20 A. Brett is an engineer that came
21 over from the voice team, and he supports the
22 product management piece of the environment
23 from the voice and video technology domain.

24 Q. And what about James Rosario;

1 who is he?

2 A. James is another product
3 management person. He handles the data side,
4 the network -- the data network and the
5 perimeter network environments for us.

6 Q. And what are Naseer Ibrahim's
7 current duties and responsibilities?

8 A. He is a lab coordinator
9 servicing the Warren, New Jersey, lab
10 infrastructure for us.

11 Q. And can you break down for me
12 the specific duties and responsibilities that
13 are involved with that?

14 A. Sure. BAU responsibility
15 includes looking at requests that come in from
16 the different engineering groups for --

17 Q. Can I interrupt you for one
18 second? What does "BAU" stand for?

19 A. Business as usual.

20 Q. Sorry. Go ahead.

21 A. Sorry about that.

22 His responsibilities include
23 servicing and working on requests from the
24 different engineering teams that utilize the

1 Warren lab facilities.

2 Those specific responsibilities
3 would include receiving of equipment,
4 unpacking of equipment, installing equipment,
5 providing connectivity from the equipment to
6 the network and to the management and
7 surveillance systems.

8 They would also review the
9 request to make sure it was complete, add in
10 anything that was missing, talk with the
11 engineers, work with the engineers on trying
12 to figure out exactly what the engineers are
13 trying to get done and ensure that it would
14 fit within the scope and space of the Warren
15 lab. On top of that, they do inventory
16 control.

17 Q. When you say, "they" --

18 A. The lab coordinators --

19 Q. Okay.

20 A. -- provide --

21 Q. I'm asking about Naseer
22 specifically, and then I'll ask further
23 questions, but if you can just focus on Naseer
24 for right now.

1 A. Yup. He provides inventory
2 control. So he has a database that keeps
3 track of the equipment that comes in and out
4 of the lab and all of the connection points
5 for that equipment so that if there are any
6 issues, we can troubleshoot it.

7 He also keeps track of the
8 value of the equipment for an annual insurance
9 questionnaire. He also reviews the lab access
10 control list to ensure only authorized people
11 have access to the lab. That's about it.

12 Q. Okay. Now, you said -- you
13 referenced lab coordinators. Is Naseer the
14 only one who has these duties and
15 responsibilities, or does he share them with
16 others?

17 A. There is -- you know, after
18 Carmelo left, we hired another person. So
19 there are two lab coordinators out in Warren
20 right now.

21 Q. Who have the same duties and
22 responsibilities you just listed?

23 A. Yes.

24 Q. Do they share those duties and

1 responsibilities?

2 A. Yes.

3 Q. What is the name of the person
4 that was hired to replace Mr. Millan?

5 A. Anthony Sorrentino.

6 Q. And what is his title?

7 A. I think it's just engineer.

8 Q. Now, is there a reason that
9 he's not on Exhibit 2?

10 A. Depending on when this exhibit
11 was created, Anthony wasn't hired until June
12 of '07, so -- no idea when this was created or
13 produced, but...

14 Q. So if he's not on here, would
15 it be safe to assume that this was created
16 before June of '07?

17 A. Yes.

18 Q. Under James Rosario's name, it
19 says, "Open" --

20 A. Um-hum.

21 Q. -- with a number or code after
22 that?

23 A. Yup.

24 Q. What does that indicate?

1 A. That number is a requisition
2 number in order for us to hire a replacement
3 req, a replacement person. So it's just
4 tracking the open request within the hiring
5 system.

6 Q. Okay. And would that be an
7 indication that this was created after
8 Mr. Millan had already left the position?

9 A. The number itself, no. If you
10 looked in the record, you would see the create
11 date on when it was created.

12 Q. Okay. And what does "Open"
13 indicate? That the position is open?

14 A. That the position is open
15 within the organization.

16 Q. And do you know when Mr. Millan
17 left CTI?

18 A. It was March of '07.

19 Q. So would that mean that this
20 document was created after March of '07?

21 A. The req number?

22 Q. No, the actual -- the fact that
23 it indicates there's an open position that
24 needs to be filled.

1 A. Yes. Yes.

2 Q. Is Naseer -- is Mr. Ibrahim's
3 position one that's known in the industry as
4 network support?

5 A. I don't know.

6 Q. Do you know the term "network
7 support" as an industrywide term?

8 A. No.

9 Q. You're not familiar with that
10 term?

11 A. No.

12 Q. Are you familiar with level-one
13 network support?

14 A. It -- that refers to an
15 operational role, which is an operational team
16 that is there to support and fix problems on a
17 day-in and day-out basis, and that's their
18 sole responsibility.

19 So within CTI's operational
20 team, they have level-one support, level-two
21 support, level-three support, but that's from
22 an operational point of view.

23 Q. Okay. Who performs the
24 operational role -- withdrawn.

1 You referred to a lab in
2 Warren, New Jersey. Is that right?

3 A. Yes.

4 Q. What is that? If you can
5 describe for me, what is the lab?

6 A. That is a 4- to
7 5,000-square-foot data center facility that
8 houses various types of technology equipment
9 that the engineers utilize to create, develop
10 and perform standard product life-cycle
11 testing on their technology domains.

12 Q. Now, is there an operational
13 team that supports the lab?

14 A. No. The team -- the lab is
15 supported by the lab coordinators.

16 Q. So the lab coordinators perform
17 the functions of an operational team?

18 MS. BOUCHARD: Objection to
19 form.

20 MS. WALSH: You can answer.

21 THE WITNESS: I can --

22 MS. WALSH: Yes, unless she
23 tells you not to answer.

24 MS. BOUCHARD: Sorry.

1 THE WITNESS: They provide a
2 service to the engineering community.
3 That service says they ensure that
4 everything's working to what they
5 installed.

6 If, after they install
7 something, it's not working properly,
8 the engineers would contact them and
9 say, "This does not work," and they
10 would go in and try to troubleshoot it
11 and try to figure out what wasn't
12 working. Did they have the cabling
13 wrong, you know. Did they have a
14 mismatch in speed, something like
15 that.

16 BY MS. WALSH:

17 Q. So any functions in
18 responsibility which are known as level-one
19 functions for network support would be
20 performed by the lab coordinators?

21 MS. BOUCHARD: Objection to
22 form.

23 I don't think that there's been
24 any definition of level-one support,

1 because he said that there weren't any
2 operational people.

3 MS. WALSH: Okay. Let's get
4 back to -- hold on.

5 (Reviewing.)

6 BY MS. WALSH:

7 Q. You testified that there
8 were -- there was no operational team that
9 supported the lab other than the lab
10 coordinator. Is that correct?

11 A. Correct.

12 Q. So the lab coordinator is the
13 one who performs the operational role in
14 support of the lab?

15 MS. BOUCHARD: Objection.

16 He testified to what they
17 performed. He didn't use the word
18 "operational role" at all.

19 BY MS. WALSH:

20 Q. I asked you a question with
21 respect to operations, right, and the
22 operational role. Correct?

23 A. You asked me a question about
24 network support.

1 Q. Right. And you testified
2 specifically that the operational role with
3 respect to the lab was done by the lab
4 coordinator?

5 MS. BOUCHARD: Objection.

6 That's not what he testified to
7 at all.

8 BY MS. WALSH:

9 Q. I asked you, is there an
10 operational team that supports the lab, and
11 you said, "No, the team" -- "the lab is
12 supported by the lab coordinators." Is that
13 correct?

14 A. Yes.

15 Q. Now, specifically with respect
16 to -- you said you identified the term -- or
17 you recognized the term "level one" as an
18 industrywide term with respect to an
19 operational team or operational functions that
20 are performed in support of network. Is that
21 correct?

22 A. Yes.

23 Q. Okay. Tell me what your
24 understanding is of a level-one

1 network-support person and what their duties
2 and responsibilities are.

3 MS. BOUCHARD: Other than what
4 he already told you?

5 MS. WALSH: He hasn't told me.

6 MS. BOUCHARD: Yes, he did. He
7 went through and explained exactly
8 what a level-one operational person
9 does.

10 MS. WALSH: Your last objection
11 was that he hadn't told me, so I
12 couldn't ask him the question.

13 MS. BOUCHARD: No. You had
14 said that he was an operational --
15 that he had attributed operations to
16 the lab coordinators.

17 What he did describe is what
18 operational support does outside the
19 lab environment. If you want him to
20 answer it again --

21 MS. WALSH: I want him to
22 answer because it's not there. You're
23 welcome to take a break and find it
24 for me.

1 Can you read back the question
2 that was asked?

3 REPORTER: "QUESTION: Tell me
4 what your understanding is of a
5 level-one network-support person
6 and what their duties and
7 responsibilities are."

8 MS. WALSH: If you want to go
9 back and find it, that's fine. We can
10 take a break. Want to do that?

11 MS. BOUCHARD: That's okay.
12 I'm sure he'll be consistent.

13 THE WITNESS: Level-one
14 support, from an operational point of
15 view, is there to field calls, do some
16 basic diagnostic work to identify a
17 problem and repair a problem.

18 BY MS. WALSH:

19 Q. And this is all to do with
20 network connectivity or something else?

21 A. It's to do with networks in
22 general from an operational point of view.

23 Q. So other than network
24 connectivity, what is it to do with?